

### **REMARKS**

Claims 1, 3-7 and 9-11 are pending in the above-identified application. Claims 1, 3-7 and 9-11 were rejected. With this Amendment, claim 1 was amended and claims 6-7 were cancelled. Accordingly, claims 1, 3-5 and 9-11 are at issue in the above-identified application.

### **Objection To Claims**

Claim 7, in part, was objected to under 37 CFR 1.75(c), as being improper dependent form for failing to further limit the subject matter of a previous claim. Claim 7 was cancelled and as a result withdrawal of this rejection is respectfully requested.

### **35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 6 and 7 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 3-7 and 9-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as invention. Claims 6 and 7 have been cancelled, rendering their rejection moot. Additionally, Applicants have amended claim 1 in a manner to overcome the rejections under § 112. Withdrawal of these rejections is respectfully requested.

### **35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3, 4, 5, 7, and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 713258-A (EP '258) in view of *Hamamoto* (U.S. Patent No. 6,413,677). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 713258-A (EP '258) in view of *Hamamoto* (U.S. Patent No. 6,413,677) as applied to claim 1 above, further in view of *Takeuchi* (U.S. Patent No. 6,030,726). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 713258-A (EP '258) in view of *Hamamoto* (U.S. Patent No.

6,413,677) as applied to claim 1 above, and further in view of JP 08-007886-A (JP '886). Claims 1, 3, 4, 5, 7, and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 713258-A (EP '258) in view of JP 09-180757-A (JP '757). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '258 in view of JP '757 as applied to claim 1 above, and further in view of *Takeuchi*. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '258 in view of JP '757 as applied to claim 1 above, and further in view of JP '886.

In accordance with claim 1, the negative electrode material includes the negative electrode active material layer formed on both sides of the negative electrode collector. The active material comprises a graphite material having a true density of  $2.1 \text{ g/cm}^3$  or more, a (002) interplanar distance of less than 0.340 nm, and an average value of the shape parameter X of 125 or less. Moreover, the nonaqueous electrolyte comprises a recited additive in the range of 0.3 percent to 10 percent by weight of the entire electrolyte.

Regarding the battery structure, this structure provides for thin active layers on the collective layers of both the anode and cathode as well as large electrode dimensions which are ten tightly stacked with a separator there between. The structure allows for uniform lithium dope/undope during the charge/discharge reaction and reduced resistance during the reaction because of the high conductivity between a collector and the thin active layer. At the same time the structure allows for a large energy density, i.e., large cell capacity, due to the wound anode and cathode and the resultants high packing density of anode and cathode active material. Further, there is a smooth lithium doped and undoped reaction during heavy duty for the same reasons.

Regarding the cited references, it is submitted that neither the references alone or in combination fairly suggests that of a battery having the recited structure and materials. The Examiner has been able to point to various aspects of the recited structure, but cited references do not show all of these aspects in a single embodiment. Moreover, it is submitted that there is no further suggestion to provide all of these features in the recited combination absent to hindsight teaching by reading Applicants present application.

It is submitted that the pending claims are allowable and that the application is in condition of allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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